



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 6, 1996

Mr. Ron M Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR96-2047

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101966.

The Texas Department of Public Safety (the department) received a request for eight categories of information. You say that the department will release information responsive to categories two, three, four, six and seven, and that the department does not have information responsive to category one. You also say the department has asked the requestor to clarify category eight. With regard to category five, you say the department has two memos that may be responsive. However, you assert that these two memos are excepted from required public disclosure based on section 552.111 of the Government Code.

Section 552.111 of the Government Code excepts from required public disclosure:

An interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.

This exception applies to a governmental body's internal communications consisting of advice, recommendations, or opinions reflecting the policymaking process of the governmental body at issue. *See* Open Records Decision No. 615 (1993). This exception does not except from disclosure purely factual information that is severable from the opinion portions of the communication. *See id.* We agree that section 552.111 applies to portions of the memos at issue and have marked the information accordingly.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", written in a cursive style.

Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 101966

Enclosures: Marked documents

cc: Mr. Lewis Dodd  
729 South Washington  
Fredericksburg, Texas 78624  
(w/o enclosures)